

INTERNATIONAL
LAW REPORTS

VOLUME 202

Volumes published under the title:

**ANNUAL DIGEST AND REPORTS OF PUBLIC
INTERNATIONAL LAW CASES**

- | | | |
|-------------------|---|---|
| Vol. 1 (1919-22) | } | Edited by Sir John Fischer Williams, KC,
and H. Lauterpacht, LLD |
| Vol. 2 (1923-24) | | |
| Vol. 3 (1925-26) | } | Edited by Arnold D. McNair, CBE, LLD,
and H. Lauterpacht, LLD |
| Vol. 4 (1927-28) | | |
| Vol. 5 (1929-30) | } | Edited by H. Lauterpacht, QC, LLD, FBA |
| Vol. 6 (1931-32) | | |
| Vol. 7 (1933-34) | | |
| Vol. 8 (1935-37) | | |
| Vol. 9 (1938-40) | | |
| Vol. 10 (1941-42) | | |
| Vol. 11 (1919-42) | | |
| Vol. 12 (1943-45) | | |
| Vol. 13 (1946) | | |
| Vol. 14 (1947) | | |
| Vol. 15 (1948) | | |
| Vol. 16 (1949) | | |

Volumes published under the title:

INTERNATIONAL LAW REPORTS

- | | | |
|--|---|---|
| Vol. 17 (1950) | } | Edited by Sir Hersch Lauterpacht, QC, LLD, FBA |
| Vol. 18 (1951) | | |
| Vol. 19 (1952) | | |
| Vol. 20 (1953) | | |
| Vol. 21 (1954) | | |
| Vol. 22 (1955) | | |
| Vol. 23 (1956) | | |
| Vol. 24 (1957) | | Edited by Sir Hersch Lauterpacht, QC, LLD,
FBA, and E. Lauterpacht |
| Vol. 25 (1958-I) | } | Edited by E. Lauterpacht, QC |
| Vol. 26 (1958-II) | | |
| Vols. 27-68 <i>and</i> Consolidated Tables and Index to Vols. 1-35 <i>and</i> 36-45 | | Edited by E. Lauterpacht, QC |
| Vols. 69-123 <i>and</i> Consolidated Index and Consolidated Tables of Cases and
Treaties to Vols. 1-80, Vols. 81-100 <i>and</i> Vols. 1-125 | | Edited by Sir Elihu Lauterpacht, CBE, QC,
and Sir Christopher Greenwood, CMG, QC |
| Vols. 124-68 <i>and</i> Consolidated Index and Consolidated Table of Treaties to
Vols. 1-160 | | Edited by Sir Elihu Lauterpacht, CBE, QC, LLD,
Sir Christopher Greenwood, CMG, QC, and K. L. Lee |
| Vols. 169-202 | | Edited by Sir Christopher Greenwood, GBE, CMG, KC,
and K. L. Lee |

*Lauterpacht Centre for International Law
University of Cambridge*

INTERNATIONAL LAW REPORTS

**VOLUME
202**

Edited by

SIR CHRISTOPHER GREENWOOD, GBE, CMG, KC

Master of Magdalene College, Cambridge

Member of the Iran-United States Claims Tribunal

Bencher of Middle Temple

Formerly Judge of the International Court of Justice

and

KAREN LEE

Fellow of the Lauterpacht Centre for International Law, University of Cambridge

Fellow and former Vice-Mistress of Girton College, Cambridge



**CAMBRIDGE
UNIVERSITY PRESS**

Cambridge University Press & Assessment
978-1-009-33157-9 — International Law Reports
Christopher Greenwood, Karen Lee
Frontmatter
[More Information](#)



CAMBRIDGE
UNIVERSITY PRESS

Shaftesbury Road, Cambridge CB2 8EA, United Kingdom

One Liberty Plaza, 20th Floor, New York, NY 10006, USA

477 Williamstown Road, Port Melbourne, VIC 3207, Australia

314–321, 3rd Floor, Plot 3, Splendor Forum, Jasola District Centre, New Delhi – 110025, India

103 Penang Road, #05–06/07, Visioncrest Commercial, Singapore 238467

Cambridge University Press is part of Cambridge University Press & Assessment,
a department of the University of Cambridge.

We share the University's mission to contribute to society through the pursuit of
education, learning and research at the highest international levels of excellence.

www.cambridge.org

Information on this title: www.cambridge.org/9781009331579

DOI: 10.1017/9781009331579

© Cambridge University Press & Assessment 2023

This publication is in copyright. Subject to statutory exception and to the provisions
of relevant collective licensing agreements, no reproduction of any part may take
place without the written permission of Cambridge University Press & Assessment.

First published 2023

A catalogue record for this publication is available from the British Library

ISBN 978-1-009-33157-9 Hardback

Cambridge University Press & Assessment has no responsibility for the persistence
or accuracy of URLs for external or third-party internet websites referred to in this
publication and does not guarantee that any content on such websites is, or will
remain, accurate or appropriate.

CONTENTS

	<i>Page</i>
PREFACE	vii
EDITORIAL NOTE	ix
TABLE OF CASES (alphabetical)	xiii
TABLE OF CASES (according to courts and countries)	xv
DIGEST (main headings)	xvii
DIGEST OF CASES REPORTED IN VOLUME 202	xix
TABLE OF TREATIES	xxvii
REPORTS OF CASES	1
INDEX	677

PREFACE

The present volume contains the 2020 judgment on the merits of the International Court of Justice in *Immunities and Criminal Proceedings (Equatorial Guinea v. France)*, as well as the Court's 2021 judgment on preliminary objections in *Alleged Violations of the 1955 Treaty of Amity, Economic Relations, and Consular Rights (Iran v. United States of America)*. International jurisprudence is further reflected in the judgments of the African Court on Human and Peoples' Rights in *Anthony and Kisite v. Tanzania* (Jurisdiction and Admissibility) and *Rajabu v. Tanzania* (Merits and Reparations), the decision on admissibility of the European Court of Human Rights in *Ukraine v. Russia (Re Crimea)*, and the Review Panel's findings and recommendations concerning the *Objection by Ecuador to a Decision of the Commission of the South Pacific Regional Fisheries Organisation*. National jurisprudence is reflected in decisions from England (*Chambers v. United States of America*), the United States District Court and Court of Appeals (*Peterson v. Iran*) and the United States Supreme Court (*Bank Markazi v. Peterson* and *Germany v. Philipp*).

The Editors wish to express their gratitude to the many people whose work has made this volume possible. Dr Massimo Lando summarized the cases from the International Court of Justice. Mr Darren Peterson prepared the summaries of the cases from England and the United States and Ms Caroline Kimeu wrote the summaries of the cases from the African Court on Human and Peoples' Rights. Ms Karen Lee summarized the decision of the European Court of Human Rights and saw the volume through the press. Ms Nahide Basri, the ILR Editorial Assistant, prepared the Tables of Cases and Digest. Mrs Rowena Gavars compiled the Table of Treaties and Index. Mrs Alison Tickner checked the copy and Mrs Jenny Macgregor read the proofs.

The Editors are very grateful to the International Court of Justice, the African Court on Human and Peoples' Rights, the European Court of Human Rights, the Permanent Court of Arbitration and the United States Courts for kindly permitting these Reports to use the electronic files of the relevant judgments posted on their official websites. The decision from England published in this volume carries Crown copyright and contains public sector information licensed under the Open Government Licence v.3.0; the electronic file was sourced from the Government website.

Finally, our thanks go to all the others who have worked to complete this volume, particularly our publishers, Cambridge University Press, and typesetters, Straive, and their staff.

C. J. GREENWOOD

MAGDALENE COLLEGE
CAMBRIDGE

K. L. LEE

LAUTERPACHT CENTRE
FOR INTERNATIONAL LAW,
UNIVERSITY OF CAMBRIDGE

November 2022

EDITORIAL NOTE

The *International Law Reports* endeavour to provide within a single series of volumes comprehensive access in English to judicial materials bearing on public international law. On certain topics it is not always easy to draw a clear line between cases which are essentially ones of public international law interest and those which are primarily applications of special domestic rules. For example, in relation to extradition, the *Reports* will include cases which bear on the exception of “political offences” or the rule of double criminality, but will restrict the number of cases dealing with purely procedural aspects of extradition. Similarly, while the general rules relating to the admission and exclusion of aliens, especially of refugees, are of international legal interest, cases on the procedure of admission usually are not. In such borderline areas, and sometimes also where there is a series of domestic decisions all dealing with a single point in essentially the same manner, only one illustrative decision will be printed and references to the remainder will be given in an accompanying note.

DECISIONS OF INTERNATIONAL TRIBUNALS

The *Reports* seek to include so far as possible the available decisions of every international tribunal, e.g. the International Court of Justice, or ad hoc arbitrations between States. There are, however, some jurisdictions to which full coverage cannot be given, either because of the large number of decisions (e.g. the Administrative Tribunal of the United Nations) or because not all the decisions bear on questions of public international law (e.g. the Court of Justice of the European Union). In these instances, those decisions are selected which appear to have the greatest long-term value.

Human rights cases. The number of decisions on questions of international protection of human rights has increased considerably in recent years and it is now impossible for the *Reports* to cover them all. As far as decisions of international jurisdictions are concerned, the *Reports* will continue to publish decisions of the European Court of Human Rights and of the Inter-American Court of Human Rights, as well as “views” of the United Nations Human Rights Committee. Decisions of national courts on the application of conventions on human rights will not be published unless they deal with a major point of substantive human rights law or a matter of wider interest to public

international lawyers such as the relationship of international law and national law, the extent of the right of derogation or the principles of the interpretation of treaties.

International arbitrations. The *Reports* of course include arbitral awards rendered in cases between States which involve an application of public international law. Beyond this, however, the selection of arbitral decisions is more open to debate. As these *Reports* are principally concerned with matters of public international law, they will not include purely private law commercial arbitrations even if they are international in the sense that they arise between parties of different nationality and even if one of them is a State. (For reports of a number of such awards, see *Yearbook Commercial Arbitration* (ed. Stephan W. Schill, under the auspices of the International Council for Commercial Arbitration).) But where there is a sufficient point of contact with public international law then the relevant parts of the award will be reported. Examples of such points of contact are cases in which the character of a State as a party has some relevance (e.g. State immunity, stabilization clauses, *force majeure*) or where there is a choice of law problem involving discussion of international law or general principles of law as possible applicable laws. The same criteria will determine the selection of decisions of national courts regarding the enforcement of arbitral awards.

DECISIONS OF NATIONAL TRIBUNALS

A systematic effort is made to collect from all national jurisdictions those judicial decisions which have some bearing on international law.

EDITORIAL TREATMENT OF MATERIALS

The basic policy of the Editors is, so far as possible, to present the material in its original form. It is no part of the editorial function to impose on the decisions printed in these volumes a uniformity of approach or style which they do not possess. Editorial intervention is limited to the introduction of the summary and of the bold-letter rubric at the head of each case. This is followed by the full text of the original decision or of its translation. Normally, the only passages which will be omitted are those which contain either statements of fact having no bearing on the points of international law involved in the case or discussion of matters of domestic law unrelated to the points of international legal interest. The omission of material is usually indicated either by a series of dots or by the insertion of a sentence in square brackets noting the passages which have been left out.

PRESENTATION OF MATERIALS

For reproduction of material in this volume, electronic files have been used wherever possible and their source acknowledged in the Preface. Citations of the reports in which the case may be found are listed in the “Report” section in square brackets at the end of the case; the language of the original decision is also mentioned there. The bold figures in square brackets in the body of the text indicate the pagination of the original report where included.

NOTES

Footnotes. Footnotes enclosed in square brackets are editorial insertions. All other footnotes are part of the original report.

Other notes. References to cases deemed not to be sufficiently substantial to warrant reporting will occasionally be found in editorial notes either at the end of a report of a case on a similar point or under an independent heading.

DIGEST OF CASES

With effect from Volume 75 the decisions contained in the *Reports* are no longer arranged according to the traditional classification scheme. Instead a Digest of Cases is published at the beginning of each volume. The main headings of the Digest are arranged alphabetically. Under each heading brief details are given of those cases reported in that volume which contain points covered by that heading. Each entry in the Digest gives the name of the case concerned and the page reference, the name of the tribunal which gave the decision and an indication of the main points raised in the case which relate to that particular heading of the Digest. Where a case raises points which concern several different areas of international law, entries relating to that case will appear under each of the relevant headings in the Digest. A list of the main headings used in the Digest is set out at p. xvii.

CONSOLIDATED INDEX AND TABLES

A Consolidated Index and a Consolidated Tables of Cases and Treaties for volumes 1-80 were published in two volumes in 1990 and 1991. A further volume containing the Consolidated Index and Consolidated Tables of Cases and Treaties for volumes 81-100 was published in 1996. A Consolidated Index, a Consolidated Tables of Cases and a Consolidated Table of Treaties for volumes 1-125 were published in 2004. A Consolidated Index and a Consolidated Table of Treaties for volumes 1-160 were published in 2017. Volume 200 contains Consolidated Tables of Cases for volumes 126-200.

TABLE OF CASES REPORTED

ALPHABETICAL

(Cases which are reported only in a note are distinguished from cases which are reported in full by the insertion of the word “note” in parentheses after the page number of the report.)

Alleged Violations of the 1955 Treaty of Amity, Economic Relations, and Consular Rights (Islamic Republic of Iran <i>v.</i> United States of America) (Preliminary Objections) 166	Immunities and Criminal Proceedings (Equatorial Guinea <i>v.</i> France) (Merits) 1
Anthony and Kisite <i>v.</i> United Republic of Tanzania (Application No 15/2015) 225	The Objection by the Republic of Ecuador to a Decision of the Commission of the South Pacific Regional Fisheries Management Organisation 504
Bank Markazi <i>v.</i> Peterson and Others 573	Peterson and Others <i>v.</i> Islamic Republic of Iran and Others 573
Chambers <i>v.</i> United States of America 551	Rajabu <i>v.</i> United Republic of Tanzania (Application No 7/2015) 238
Federal Republic of Germany and Others <i>v.</i> Philipp and Others 663	Ukraine <i>v.</i> Russia (<i>Re</i> Crimea) (Admissibility) 293

TABLE OF CASES REPORTED

ARRANGED ACCORDING TO COURTS AND TRIBUNALS
 (INTERNATIONAL CASES) AND COUNTRIES (MUNICIPAL CASES)

(Cases which are reported only in a note are distinguished from cases which are reported in full by the insertion of the word “note” in parentheses after the page number of the report.)

I. DECISIONS OF INTERNATIONAL TRIBUNALS

<i>African Court on Human and Peoples' Rights</i>	2021
Anthony and Kisite <i>v.</i> United Republic of Tanzania (Application No 15/2015) 225	Alleged Violations of the 1955 Treaty of Amity, Economic Relations, and Consular Rights (Islamic Republic of Iran <i>v.</i> United States of America) (Preliminary Objections) 166
Rajabu <i>v.</i> United Republic of Tanzania (Application No 7/2015) 238	<i>Review Panel</i>
<i>European Court of Human Rights</i>	2018
Ukraine <i>v.</i> Russia (<i>Re</i> Crimea) (Admissibility) 293	The Objection by the Republic of Ecuador to a Decision of the Commission of the South Pacific Regional Fisheries Management Organisation 504
<i>International Court of Justice</i>	
Immunities and Criminal Proceedings (Equatorial Guinea <i>v.</i> France) (Merits) 1	

II. DECISIONS OF MUNICIPAL COURTS

<i>United Kingdom, England</i>	2014
Chambers <i>v.</i> United States of America 551	Peterson and Others <i>v.</i> Islamic Republic of Iran and Others 573
<i>United States of America</i>	2016
Peterson and Others <i>v.</i> Islamic Republic of Iran and Others 573	Bank Markazi <i>v.</i> Peterson and Others 573
	2021
	Federal Republic of Germany and Others <i>v.</i> Philipp and Others 663

DIGEST OF CASES

List of Main Headings

(Those headings for which there are entries in the present volume are printed in italics.
 For a guide to the Digest, see the Editorial Note at p. xi.)

Air	<i>International Organizations</i>
Aliens	<i>International Tribunals</i>
<i>Arbitration</i>	Jurisdiction
Canals	Lakes and Landlocked Seas
Claims	Nationality
Comity	Recognition
Conciliation	<i>Relationship of International Law and Municipal Law</i>
Consular Relations	Reprisals and Countermeasures
<i>Damages</i>	Rivers
<i>Diplomatic Relations</i>	<i>Sea</i>
<i>Economics, Trade and Finance</i>	Sources of International Law
Environment	Space
<i>Evidence before International Courts and Tribunals</i>	<i>State Immunity</i>
<i>Expropriation</i>	State Responsibility
Extradition	State Succession
General Principles of International Law	States
Governments	Territory
<i>Human Rights</i>	<i>Terrorism</i>
<i>International Court of Justice</i>	<i>Treaties</i>
International Criminal Law	War and Armed Conflict

DIGEST OF CASES REPORTED IN VOLUME 202

Page

Arbitration

Convention on the Conservation and Management of High Seas Fishery Resources in the South Pacific Ocean, 2012 — Article 17 — Annex II — Allocation of fishery resources — Decision of the Commission of the South Pacific Regional Fisheries Organisation to allocate fishery resources — Objection to Commission decision by Ecuador — Whether decision of Commission unjustifiably discriminatory — Procedural discrimination — Substantive discrimination — Equivalent measures — Power of Review Panel to alter total allowable catch — Power of Review Panel to recommend extraordinary meeting of Commission of South Pacific Regional Fisheries Management Organisation — Review Panel

The Objection by the Republic of Ecuador to a Decision of the Commission of the South Pacific Regional Fisheries Organisation

504

Damages

Compensatory damages — Damages awarded to victims of State-sponsored terrorism — Availability of foreign State-owned property for attachment in aid of execution of judgment for damages — Assets of central bank — Foreign Sovereign Immunities Act 1976 — Section 1610 — Exceptions to immunity of State-owned property from attachment in aid of execution — Section 1611 — Assets of central bank immune from attachment in aid of execution — Terrorism Risk Insurance Act 2002 — Section 201(a) — Assets of terrorist party to be made available in aid of execution or attachment — Iran Threat Reduction and Syria Human Rights Act 2012 — Blocked assets of Government of Iran to be made available to the plaintiffs — Whether Iran Threat Reduction and Syria Human Rights Act 2012 violating United States Constitution — United States, District Court, Court of Appeals (Second Circuit) and Supreme Court

Peterson and Others v. Islamic Republic of Iran and Others; Bank Markazi v. Peterson and Others

573

Diplomatic Relations

Vienna Convention on Diplomatic Relations, 1961 (“VCDR”) — Article 1(i) — Definition of “premises of the mission” — Circumstances under which a building may acquire status of “premises of the mission” under Article 1(i) of VCDR — Whether consent of receiving State necessary for a property to become “premises of the mission” pursuant to Article 1(i) of VCDR — International Court of Justice

Immunities and Criminal Proceedings (Equatorial Guinea v. France) (Merits)

1

Economics, Trade and Finance

Economic sanctions — Sanctions imposed by the United States of America against Iran — Territorial extent — Whether capable of affecting rights under the Treaty of Amity, Economic Relations, and Consular Rights, 1955, between Iran and the United States of America — Jurisdiction of the International Court of Justice — Admissibility of application of Iran — International Court of Justice

Alleged Violations of the 1955 Treaty of Amity, Economic Relations, and Consular Rights (Islamic Republic of Iran v. United States of America) (Preliminary Objections)

166

Evidence before International Courts and Tribunals

European Court of Human Rights — Assessment of evidence — Approach to evidence — Types of evidence examined — Principles of assessment — Burden of proof — Standard of proof — As to alleged existence of an “administrative practice” — As to jurisdictional issues — Examination of admissibility of complaints in inter-State case — European Court of Human Rights (Grand Chamber)

Ukraine v. Russia (Re Crimea) (Application Nos 20958/14 and 38334/18) (Admissibility)

293

Expropriation

Domestic takings rule — Expropriation of nationals’ property — Whether international law of expropriation prohibiting taking of nationals’ property — Human rights — State immunity — Relationship between expropriation, human rights and State immunity — United States, Supreme Court

Federal Republic of Germany and Others v. Philipp and Others

663

Human Rights

Right to fair trial — Right to legal representation — African Charter on Human and Peoples' Rights, 1981, Article 7 — Whether Tanzania violating right to fair trial — Right to equal protection under the law — Article 3 — Whether Tanzania violating Articles 3 and 7 of Charter — African Court on Human and Peoples' Rights

Anthony and Kisite v. United Republic of Tanzania (Application No 15/2015) (Jurisdiction and Admissibility) 225

Right to life — Right to dignity — Right to fair trial — Right to be heard within a reasonable time — Right to be heard by a competent court — African Charter on Human and Peoples' Rights, 1981, Articles 4, 5, 1, 7 — Obligation to give effect to rights in the Charter — Whether Tanzania's imposition of mandatory death penalty violating applicants' rights to life and dignity — African Court on Human and Peoples' Rights

Rajabu and Others v. United Republic of Tanzania (Application No 7/2015) (Merits and Reparations) 238

Treaties — Scope of application — European Convention on Human Rights, 1950 — Article 1 — Jurisdiction — Events in Crimea — Whether Russian Federation exercising jurisdiction over Crimea — Nature of jurisdiction under Article 1 of Convention — Territoriality principle — Whether facts complained of falling within jurisdiction of Russian Federation within meaning of Article 1 of Convention — Whether Russian Federation exercising effective control over Crimea during relevant period — Evidence — Military presence, strength, and conduct — Whether Russian Federation adopting administrative practice of human rights violations in Crimea — Whether Russian Federation violating Articles 2, 3, 5, 6, 8, 9, 10, 11 and 14 of Convention, and Articles 1 and 2 of Protocol No 1 and Article 2 of Protocol No 4 to Convention — Complaints of administrative practice during relevant period in violation of Convention provisions — Whether admissible — European Court of Human Rights (Grand Chamber)

Ukraine v. Russia (Re Crimea) (Application Nos 20958/14 and 38334/18) (Admissibility) 293

International Court of Justice

Admissibility of Iran's application — Abuse of process — Exceptional circumstances — Whether exceptional circumstances could justify finding that Iran's application was an

International Court of Justice (*cont.*)

abuse of process — Whether Iran’s application could lead to Iran gaining an illegitimate advantage — Whether a claim based on a valid title of jurisdiction could be an abuse of process — International Court of Justice

Alleged Violations of the 1955 Treaty of Amity, Economic Relations, and Consular Rights (Islamic Republic of Iran v. United States of America) (Preliminary Objections) 166

Jurisdiction — Treaty of Amity, Economic Relations, and Consular Rights, 1955 between Iran and the United States of America (“1955 Treaty”) — Article XXI of the 1955 Treaty — Jurisdiction *ratione materiae* — Whether real issue in dispute concerning the 1955 Treaty — Whether Iran’s claims actually concerning the decision of United States of America to withdraw from the JCPOA — Whether possible for a State’s conduct to breach more than one legal instrument at the same time — Effect of Iran’s invocation of the compromissory clause under the 1955 Treaty on the dispute settlement mechanism of the JCPOA — Whether the 1955 Treaty covering measures relating to trade between Iran and third countries — Interpretation of Articles IV, V, VII, VIII, IX and X of the 1955 Treaty — Territorial scope of certain provisions of the 1955 Treaty — Link between determination of the content of third country measures — Merits of the case — International Court of Justice

Alleged Violations of the 1955 Treaty of Amity, Economic Relations, and Consular Rights (Islamic Republic of Iran v. United States of America) (Preliminary Objections) 166

International Organizations

South Pacific Regional Fisheries Management Organisation — Commission of the South Pacific Regional Fisheries Management Organisation — Decision of Commission to allocate fishery resources — Discretion of Commission when allocating fishery resources — Interests of developing States when allocating fishery resources — Whether Commission decision to allocate fishery resources inconsistent with Convention on the Conservation and Management of High Seas Fishery Resources in the South Pacific Ocean, 2012 — Whether Commission decision to allocate fishery resources unjustifiably discriminatory — Review Panel

The Objection by the Republic of Ecuador to a Decision of the Commission of the South Pacific Regional Fisheries Organisation 504

International Tribunals

European Court of Human Rights — Jurisdiction — Scope of case — Temporal scope of complaints — Whether interim measure to be lifted — Subject matter of dispute — Whether issue of legality, as matter of international law, of Crimea's purported integration into Russian Federation constituting subject matter of dispute — Whether issues raised legal — Whether political aspects depriving questions of their legal character — Preliminary issues — Whether Russian Federation complying with any obligation under Article 1 of Convention — Preliminary objections — Whether application lacking requirements of genuine application — Whether Russian Federation's preliminary objection of incompatibility *ratione loci* to be dismissed — Whether Court having competence under Article 19 of Convention — Whether preliminary objection of non-exhaustion of domestic remedies to be dismissed — Whether facts complained of falling within jurisdiction of Russian Federation within meaning of Article 1 of Convention — Whether Court having competence under Article 19 of Convention — Admissibility of complaints — European Court of Human Rights (Grand Chamber)

Ukraine v. Russia (Re Crimea) (Application Nos 20958/14 and 38334/18) (Admissibility) 293

Jurisdiction — Admissibility — African Court on Human and Peoples' Rights — Material jurisdiction — Whether Court having jurisdiction to hear the application — Admissibility — Exhaustion of local remedies — Whether application filed within reasonable time — African Court on Human and Peoples' Rights

Anthony and Kisite v. United Republic of Tanzania (Application No 15/2015) (Jurisdiction and Admissibility) 225

Jurisdiction — African Court on Human and Peoples' Rights — Material jurisdiction — Whether Court having jurisdiction to hear the application — Admissibility — Whether application admissible — Exhaustion of local remedies — Whether application filed within a reasonable time — African Court on Human and Peoples' Rights

Rajabu and Others v. United Republic of Tanzania (Application No 7/2015) (Merits and Reparations) 238

Relationship of International Law and Municipal Law

Treaties — Treaty of Amity, Economic Relations and Consular Rights, 1955 — Effect in municipal law — Iran Threat Reduction and Syria Human Rights Act 2012 — Whether United States statute violating 1955 Treaty — United States, District Court, Court of Appeals (Second Circuit) and Supreme Court

Peterson and Others v. Islamic Republic of Iran and Others; Bank Markazi v. Peterson and Others

573

Sea

Treaties — United Nations Convention on the Law of the Sea, 1982 — United Nations Fish Stocks Agreement, 1995 — Convention on the Conservation and Management of High Seas Fishery Resources in the South Pacific Ocean, 2012 — High seas fishery resources — Regional fisheries management organizations — Interests of developing States when allocating fisheries resources — Conservation and management measures — Whether allocation of fisheries resources consistent with relevant treaties — Whether fishery resources within areas of national jurisdiction constituting a “reserve” — Review Panel

The Objection by the Republic of Ecuador to a Decision of the Commission of the South Pacific Regional Fisheries Organisation

504

State Immunity

Foreign Sovereign Immunities Act 1976 — Terrorism exception to State immunity — Whether foreign State-owned property immune from attachment in aid of execution of judgment for damages — Foreign Sovereign Immunities Act 1976 — Terrorism Risk Insurance Act 2002 — Iran Threat Reduction and Syria Human Rights Act 2012 — Whether United States municipal law removing immunity of Iranian State property constitutional — United States, District Court, Court of Appeals (Second Circuit) and Supreme Court

Peterson and Others v. Islamic Republic of Iran and Others; Bank Markazi v. Peterson and Others

573

Jurisdictional immunity — Employment at United States air base in United Kingdom — Claim for unfair dismissal and unequal pay — State Immunity Act 1978 — Common law — Determination of sovereign functions — Environmental

engineer — Whether environmental engineer performing sovereign functions — England, Employment Tribunal

Chambers v. United States of America 551

Jurisdictional immunity — Presumption that foreign State entitled to immunity unless one of exceptions to immunity applicable — Foreign Sovereign Immunities Act 1976 — Restrictive theory of sovereign immunity — Expropriation exception — Section 1605(a)(3) — Interpretation — Meaning of “in violation of international law” — Whether meaning limited to international law of expropriation — Whether international law prohibiting domestic takings — Whether meaning including violation of human rights law — Whether meaning including genocide — United States, District Court, Court of Appeals (Second Circuit) and Supreme Court

Federal Republic of Germany and Others v. Philipp and Others 663

Terrorism

State-sponsored terrorism — Damages — Ability of victims of State-sponsored terrorism to receive compensatory damages — State immunity — Ability of victims of State-sponsored terrorism to turn over State-owned property in aid of execution of judgment for compensatory damages — United States, District Court, Court of Appeals (Second Circuit) and Supreme Court

Peterson and Others v. Islamic Republic of Iran and Others; Bank Markazi v. Peterson and Others 573

Treaties

Interpretation — Application — Article XX(1)(b) and (d) of the 1955 Treaty — Measures relating to fissionable materials — Essential security interests — Whether objections under Article XX(1)(b) and (d) preliminary in character — Connection between Article XX(1)(b) and (d) and the examination at the merits stage — International Court of Justice

Alleged Violations of the 1955 Treaty of Amity, Economic Relations, and Consular Rights (Islamic Republic of Iran v. United States of America) (Preliminary Objections) 166

Interpretation — Vienna Convention on Diplomatic Relations, 1961 — Article 1(i) — Vienna Convention on the Law of Treaties, 1969 (“VCLT”) — Customary rules of treaty

Treaties (*cont.*)

interpretation — Ordinary meaning — Context — Comparison with VCDR provisions concerning the treatment of diplomatic personnel — Object and purpose — Relevance of VCDR's preamble to determining its object and purpose — VCDR founded on mutuality and respect between sovereign equals — Whether State practice in relation to the recognition of diplomatic status of premises amounting to subsequent practice within meaning of Article 31(3)(b) of VCLT — Article 1(i) of VCDR requiring the actual use of a building for it to qualify as “premises of the mission” — A receiving State may object to the sending State's designation of “premises of the mission” — Objection had to be timely, non-arbitrary and non-discriminatory — International Court of Justice

Immunities and Criminal Proceedings (Equatorial Guinea v. France) (Merits)

1

Ratification — Interpretation — European Convention on Human Rights, 1950 — Article 1 — Concept of jurisdiction — Meaning of jurisdiction in public international law — Vienna Convention on the Law of Treaties, 1969 — Article 29 — Presumption jurisdiction exercised normally throughout State's territory — Whether any assertion of change to status of Crimea by States upon ratification of European Convention — Whether Russian Federation having jurisdiction over Crimea — Assumption that nature of jurisdiction not territorial — European Court of Human Rights (Grand Chamber)

Ukraine v. Russia (Re Crimea) (Application Nos 20958/14 and 38334/18) (Admissibility)

293

Treaty of Amity, Economic Relations and Consular Rights, 1955 — Effect in municipal law — Relationship between treaty and municipal law — Alleged conflict between treaty and municipal statute — Whether United States statute violating 1955 Treaty — United States, District Court, Court of Appeals (Second Circuit) and Supreme Court

Peterson and Others v. Islamic Republic of Iran and Others; Bank Markazi v. Peterson and Others

573

TABLE OF TREATIES

This table contains a list, in chronological order according to the date of signature, of the treaties referred to in the decisions printed in the present volume. It has not been possible to draw a helpful distinction between treaties judicially considered and treaties which are merely cited.

In the case of bilateral treaties, the names of the parties are given in alphabetical order. Names of countries follow contemporaneous usage except in the case of small spelling changes (e.g. Roumania/Romania) where modern usage is adopted throughout. Where this seems helpful, the name of a treaty as it is commonly known is included.

Wherever possible, each treaty includes a reference to where an online English-language version of the treaty can be found. For treaties between 1648 and 1919, this is almost always the Consolidated Treaty Series (CTS), under Oxford Historical Treaties on the Oxford Public International Law website. Post-1919, references are most frequently to the League of Nations Treaty Series/United Nations Treaty Series (LNTS/UNTS). Here it should be noted that historically LNTS/UNTS references have taken the form “39 UNTS 55”, 39 being the volume number, 55 the page number. With effect from UNTS volume 2301, UNTS no longer includes the volume and page number as part of the reference, using simply the registration number. UNTS references are now in the form UNTS 42146. For ILR purposes, because of its value as an identifier, the registration number is now being added parenthetically to pre-volume 2301 treaties in the form 213 UNTS 221 [UNTS 2889].

Reference is also made to other treaty databases such as the European Treaty Series (ETS), Organization of American States Treaty Series (OASTS) or to Official Journals, particularly where these are the only databases currently hosting a treaty. Where a treaty appears to be available only on the website of the parent international organization, usually without any citation identifier, users are referred to the relevant website. For bilateral treaties, often the only source it has been possible to find is a non-English-language version on one of the parties’ official websites, such as the parliamentary proceedings approving the treaty. Users requiring a comprehensive list of written sources should refer to the CTS, or to the Flare Index to Treaties, available at IALS Digital.

For abbreviations used in the Table of Treaties reference should be made to the list of abbreviations attached to the index in individual volumes.

1919

June 28 Covenant of the League of Nations (Part I of the Treaty of Versailles) (225 CTS 188) 106

1928

Feb. 20 Inter-American Convention on Diplomatic Officers (Havana Convention) (155 LNTS 259 [LNTS 3582]) 102

1945

June 26 Charter of the United Nations (1 UNTS XVI) (current version available at https://treaties.un.org/)	105
Art. 1(1)	216
Art. 2(3)	216
Art. 40	178
Art. 41	178
June 26 Statute of the International Court of Justice (33 UNTS 933) (current version available at https://treaties.un.org/)	
Art. 24(1)	172
Art. 31	172
Art. 36(1)	172
Art. 36(2)	212
Art. 37(1)	172
Art. 40(1)	184
Art. 40(2)	172
Art. 40(3)	172
Art. 41	172
Art. 53(2)	174
Art. 73(2)	172
Art. 74	172
Art. 74(4)	172
Art. 75	172
Art. 78	173
Art. 79	196, 198, 200
Art. 79(1)	174
Art. 79(5)	174
Art. 79 <i>bis</i>	196

1948

Dec. 9 Convention on the Prevention and Punishment of the Crime of Genocide (78 UNTS 277 [UNTS 1021])	
Art. II	671

1950

Nov. 4 European Convention for the Protection of Human Rights and Fundamental Freedoms (ECHR) (213 UNTS 221 [UNTS 2545])	
Art. 1	295, 297, 298, 299-300, 424, 426, 432-3, 435, 437, 445-51, 457-60, 501
Art. 2	294, 295, 301-2, 315, 391, 421, 426, 477-8, 501
Art. 3	294, 295, 302, 315, 344, 421, 426, 478, 480, 501
Art. 4	391
Art. 5	294, 295, 302, 315, 421, 478, 480, 501
Art. 5(1)	478, 479
Art. 6	294, 295, 299, 302, 315, 421, 426, 481-2, 501
Art. 6(1)	459, 481
Art. 8	294, 295, 302-3, 305, 315, 421, 422, 482-7, 500, 501-2
Art. 9	294, 295, 303, 305, 315, 389, 421, 422, 487-90, 500, 502
Art. 10	294, 295, 303-5, 315, 421, 422, 490-2, 500, 502
Art. 11	294, 295, 304-5, 315, 391, 421, 422, 426, 492-4, 500, 502
Art. 12	391

TABLE OF TREATIES

xxix

Art. 13	426
Art. 14	294, 305, 315, 389, 422, 459, 499-501, 502
Art. 15	439
Art. 16	391
Art. 18	426
Art. 19	299, 433, 435-6, 458
Art. 23	317
Art. 26(4)	317
Art. 26(5)	317
Art. 29(2)	486, 503
Art. 30	316, 486
Art. 33	294, 296, 298, 314, 423, 430, 432, 435
Art. 34	435, 464, 473
Art. 35	463
Art. 35(1)	301-5, 430, 464-6, 477, 478, 481, 482, 487, 490, 491, 494, 497, 501
Art. 35(2)	435
Art. 35(3)	298, 435, 450-1
Art. 35(3)(a)	435
Art. 35(4)	301-4, 301-5, 476, 477, 478, 481, 482, 487, 490, 491, 492, 494, 495, 497, 501
Art. 36(2)	315
Art. 56	295, 297-8, 449-50
Art. 56(1)	450

1952

Mar. 20 European Convention for the Protection of Human Rights and Fundamental Freedoms (ECHR), First Protocol (213 UNTS 221 [UNTS 2889])

Art. 1	294, 295, 304, 315, 421, 494-5, 502
Art. 2	294, 295, 304-5, 315, 406, 421, 495-7, 502
Art. 3	426

1955

Aug. 15 Iran-US Treaty of Amity, Economic Relations and Consular Rights (284 UNTS 93 [UNTS 4132])

Preamble	223
Art. I	170, 204
Art. II	58
Art. III	630, 632
Art. III(2)	205, 613, 632
Art. III(a)	631
Art. IV	58
Art. IV(1)	170, 175, 188, 190, 203, 204, 205, 613, 631-2
Art. IV(2)	175, 188, 190, 203, 205, 632
Art. V	58
Art. V(1)	175, 188, 190, 631-2
Art. VII(1)	175, 188, 190, 203
Art. VIII(1)	175, 188, 190, 203
Art. VIII(2)	175, 188, 190, 203
Art. IX(2)	175, 188, 190, 203
Art. IX(3)	175, 188, 190, 203

Aug. 15 Iran-US Treaty of Amity, Economic Relations and Consular Rights (284 UNTS 93 [UNTS 4132]) (*cont.*)

Art. X(1)	170, 175, 188-90, 203, 204, 205
Art. XI(4)	205
Art. XXI(1)(a)	217, 219
Art. XXI(1)(b) ...	166, 168, 169, 170-1, 176, 181, 196-201, 206, 217-19, 223-4
Art. XXI(1)(c)	169, 200, 217-19, 223
Art. XXI(1)(d) ...	166, 168, 169, 170-1, 176, 181, 196-201, 206, 217-18, 223
Art. XXI(2)	172, 181-2, 193, 202
Art. XXIII(3)	177

1961

Apr. 18 Vienna Convention on Diplomatic Relations (VCDR) (500 UNTS 95 [UNTS 7312])

Preamble	4, 61, 75-7, 113-15, 131-4, 151, 155-6
Art. 1(i)	4-10, 23-4, 26, 28-9, 34, 37, 40, 49-53, 55, 59-61, 68, 72, 76, 79, 82-3, 85-91, 94, 99-100, 109, 111-14, 117-19, 122, 125-6, 137, 144-6, 152, 153, 157, 161
Art. 2	4, 9, 24, 27, 29, 60, 76-7, 100, 107, 126, 131, 134, 155, 158
Art. 3	94, 115, 137
Art. 3(1)	28, 113
Art. 3(2)	150-1
Art. 4	4, 9, 60, 90, 114, 115, 134, 157
Arts. 4-19	115
Art. 5	9
Art. 5(1)	114, 130, 157
Art. 6	114, 129, 130, 157
Art. 7	134, 157
Art. 8(2)	157
Art. 9	4, 24, 30, 123, 131, 134
Art. 11	93
Art. 12	10, 24-5, 31, 60, 82, 93, 110-11, 136-7, 157-8
Art. 19	90-1
Art. 19(2)	157
Arts. 20-5	115
Art. 21	33, 62
Art. 21(1)	82-3
Art. 22	2, 10, 23, 26, 29, 34-5, 49, 55-7, 59, 70, 79, 81, 85-8, 94-8, 108, 111-13, 116, 118-20, 124-6, 139, 146-7, 153, 164
Art. 22(2)	146
Art. 22(3)	70-1, 141, 145
Arts. 26-47	115
Art. 27(1)	157
Art. 39	29-30, 134
Art. 41	62
Art. 41(1)	83, 99
Art. 45	30
Art. 46	157
Art. 47	26, 33, 65
Art. 47(1)	133